IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16310 of 2004

Between:

N. Jagga Reddy, S/o. Malla Reddy,
R/o. 2-10-196, Jyothinagar, Karimnagar.

..... PETITIONER

AND

1 The District Collector, Panchayat, Karimnagar District.
2 District Panchayat Officer, Karimangar, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction the more particularly one in the nature of writ of Mandamus declaring the order dt.26-8-2004 vide proceedings ROC NO. A2/2903/1998-PTS issued by the 2nd respondent as illegal, arbitrary to the extent of demanding payment of lease amount for the 2nd year within 15 days before expiry of 3 months deficit period for the first year and consequently direct the respondents not to insist for the payment until the 3 months deficit lease period of the first year is completed.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court at the admission stage made the following :

ORDER:

Pursuant to the notification dated 31-12-2002, petitioner was granted sand quarrying rights in Manthani village along the Godavari River for a period of one year commencing from 6-2-2003 to 5-2-2004 and the same will be renewed subject to enhancement of lease amount by 10% for the second year lease period. Since during the first year the petitioner was prevented from quarrying sand for a period of three months because of the Godavari Pushkarams, he made a representation to the authorities for make good the loss for the period for which he was prevented from sand quarrying operations. The same was considered by the authorities and granted second year lease enhancing the lease amount by 10% and on condition that the petitioner deposits 50% of the enhanced lease amount for the second year lease period, he was permitted to quarry the sand for a further period of three months in which period he was prevented from quarrying sand. Questioning the same, the present writ petition is filed.

Learned counsel for the petitioner submitted that unless the

petitioner permitted to lift the sand for three months, second year lease will not be commenced. In view of the same, imposing of the condition to deposit the second year lease amount is arbitrary and illegal.

I see no force in the submission made by the learned counsel for the petitioner. The petitioner was granted sand quarrying lease for the period commencing from 6-2-2003 to 5-2-2004. Under the said agreement entered into by the petitioner the lease can be renewed for a further period of one year on expiry of the first year lease period. Hence petitioner has to necessarily apply for renewal and also make good the loss of the period during which he was prevented from lifting the sand. Accordingly, he represented for renewal of lease period and also permission to lift the sand for the deficit period. Unless the petitioner deposits the amount for the second year lease period, and get the lease renewed, he cannot claim for the loss of three months for which he was prevented from sand quarrying operations. If the petitioner is not agreeable for the renewal of lease period, it is open for him to request the authority to make good the loss for the period during which he has been prevented from lifting the sand.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

13th September, 2004.
Js.

To
1 The District Collector, Panchayat, Karimnagar District.
2 District Panchayat Officer, Karimangar, Karimnagar

District.

3 2 CCs to G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.

4 2 CD copies.